

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN WILCUTT,

Plaintiff,

-against-

ZIMMER, INC., ZIMMER HOLDINGS, INC., and
ZIMMER ORTHOPAEDIC SURGICAL PRODUCTS,
INC.,

Defendants.

12 Civ. No. 4322 (JSR)

NOTICE OF MOTION

PLEASE TAKE NOTICE that the defendants, Zimmer, Inc., Zimmer Holdings, Inc., and Zimmer Orthopaedic Surgical Products, Inc., by their attorneys Chadbourne & Parke LLP, respectfully move this Court to dismiss this action with prejudice on the grounds that any new complaint filed in this action is barred by the applicable statute of limitations.

The schedule for service and filing of the parties' papers, and the date and time for oral argument as set by the Court is as follows:

Opening papers filed and served by defendants: February 14, 2013

Opposing papers filed and served by plaintiff: March 7, 2013

Reply papers filed and served by defendants: March 18, 2013

Oral argument as set by the Court: March 28, 2013 at 4pm

Dated: February 14, 2013

Respectfully submitted,

CHADBOURNE & PARKE LLP

By /s/ Phoebe A. Wilkinson

Phoebe A. Wilkinson

A Member of the Firm

Attorneys for Defendants

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